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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,372

09/24/2003

Roderick B. Jagos

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09/05/2006

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EXAMINER

ADAMS, GREGORY W

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/671,372	Applicant(s) JAGOS ET AL.	
	Examiner Gregory W. Adams	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 13-14 & 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (US 3,067,884).

With respect to claims 13 & 17, Williams discloses a trolley 10, curved portion 82, and hinge portion 79, 92, 93.

With respect to claim 14, Williams discloses a support bracket 1043 and trunnion 92, 93, 98.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 & 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellinthorpe (US 5,924,648) (previously cited) in view of Cooper (US 3,970,295).

With respect to claims 1, 8-9 & 15, Ellinthorpe discloses a rocket engine transport comprising trailer 10, tail support member 50, 52 and chock 44 and does not disclose a trolley. C9/L57-58. Cooper provides a trolley 14 such that pipe, e.g. long tubular bodies,

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can be precisely positioned and "held at an exact position lengthwise" without restricting accessibility unduly during fitting. C1/L10-15. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Ellinthorpe to include a trolley, as per the teachings of Cooper, for precise positioning of long circular bodies in the lengthwise direction. Further, with respect to configuring a chock to move along a long axis and pivot as a rocket engine is elevated Applicant is respectfully reminded that claim language consisting of functional language and/or intended use phrasing is given little, if any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, Ellinthorpe in view of Cooper is certainly capable of pivoting and movement.

With respect to claim 2, Ellinthorpe discloses a bearing assembly.

With respect to claim 3, Ellinthorpe discloses a cradle assembly comprising a support bracket.

With respect to claim 4, Ellinthorpe discloses a trunnion. C7/L3

With respect to claims 5 & 12, Ellinthorpe discloses a second bearing assembly and second support bracket.

With respect to claim 6, Ellinthorpe discloses a shaft.

With respect to claim 7, Ellinthorpe discloses a trailer 10, tail support member 50, chock 44, trolley, pair of bearing assemblies and pair of cradle assemblies comprising a support bracket and trunnion.

With respect to claim 10, Ellinthorpe discloses a bearing assembly 22a-b.

With respect to claim 11, Ellinthorpe discloses a support bracket and trunnion. C2/L30-35.

With respect to claim 16, Ellinthorpe discloses a trailer 10, tail support member 50, 52 and a chock assembly comprising a chock 44, pair of bearing assemblies, support brackets and trunnions, e.g. left and right hand sides, and does not disclose a trolley. C9/L57-58. Cooper provides a trolley 14 such that pipe, e.g. long tubular bodies, can be precisely positioned and "held at an exact position lengthwise" without restricting accessibility unduly during fitting. C1/L10-15. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Ellinthorpe to include a trolley, as per the teachings of Cooper, for precise positioning of long circular bodies in the lengthwise direction.

Response to Arguments

Applicant's arguments filed June 30, 2006 have been fully considered but they are not persuasive.

With respect to claims 8, 13-14 & 17, in response to applicant's arguments, the recitation of a transport having a longitudinal axis has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). However, assuming the

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limitation was positively recited within the body of claims 8, 13-14 & 17, a trailer may have an infinite number of longitudinal axis. In this case, Applicant assumes that it is defined as the "long" direction, e.g. direction of travel, of a trailer but claims 8, 13-14 & 17 do not further define. With respect to a mid-plane, as in the longitudinal axis claims 8, 13-14 & 17 a trolley may have an infinite number of mid-planes. Is it the middle of the complete trolley or the middle of a component of the trolley or in the alternative from where do you measure the middle from/to? Claims 8, 13-14 & 17 do not define a mid-plane beyond that of a trolley having a mid-plane, but a trolley may have an infinite number of mid-planes depending on which part of said trolley one views it from.

With respect to claims 1-12 & 15-16, Ellinthorpe discloses a notch 20a-b, chock 44 and trolley 54.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA


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